

Application No. 10/533,753

REMARKS/ARGUMENTS

The Final Office Action dated September 12, 2008 has been reviewed and carefully considered. Claims 1, 8-9, 11-15 and 17-26 are pending. Reconsideration of the above-identified application in light of the remarks is respectfully requested.

Claims 1, 8-9, 11-15, 17 and 19-23 stand rejected under 35 USC 103(b) as being unpatentable over Crabtree et al. (US 2004/0039814 A1) in view of Specter et al. (U.S. 2002/0147628 A1). Applicants respectfully disagree.

Applicants respectfully submit that the pending claims are patentable for at least the following reasons. Claim 1 recites "...determining a temporary user preference profile in response to the content item interest not corresponding to the user preference profile, recommending a number of preference content items associated with the temporary user preference profile, determining user preference values of the recommended content items, wherein the number of recommended content items depends on the determined user preference values; and depending on the determined user preference values, modifying the user preference profile to reflect the temporary user preference profile." Independent claims 17 and 24 recite similar limitations.

Neither Crabtree nor Specter, alone or in combination, teaches these limitations. The Office Action points to paragraphs 77-85 and 79 & 87 of Crabtree, indicating that they disclose "determining a temporary user preference profile in response to the content item interest not corresponding to the user preference profile, recommending a number of

Application No. 10/533,753

preference content items associated with the temporary user preference profile, recommending a number of preference content items associated with the temporary user preference profile.” Applicants respectfully disagree. In paragraphs 77-85, Crabtree teaches a method to update an existing profile with a new interest 11. The interest 11 is passed to the profile modifier 301 as a result of collaborative filtering of interests between users. See paragraph 77. Thus, Crabtree does not teach determining a temporary user preference profile *in response to the content item interest not corresponding to the user preference profile*, but an interest 11 is provided to update procedure “from a variety of inputs 311, 313, 315, 317 319...,” see paragraph 76. Further, the profile modifier 301 creates a suggestion action 305, the suggestion being that new interest 11 should be added to the user profile... See paragraph 77. Although a user may select the new interest 11 for a “trial” period and then be asked whether to add it to the user’s profile, it still does not teach determining a temporary user preference profile but modifying an existing one. Thus, Crabtree does not teach “a temporary user preference profile in response to the content item interest not corresponding to the user preference profile” as claimed in claim 1, but, a selectable profile update method.

Importantly, the present invention’s temporary preference profile may be used to test content items not directly matching the user’s current preference profile, thereby allowing an increased flexibility and possibility of improved dynamic performance, by recommending a number of preference content items associated with the temporary user preference profile, determining user preference values of the recommended content items, wherein the number of recommended content items depends on the determined user

Application No. 10/533,753

preference values, and depending on the determined user preference values, modifying the user preference profile to reflect the temporary user preference profile, as claimed. Moreover, the temporary user preference profile may allow alternative and/or additional preferences to be tested, and if suitable, to be added to the user preference profile. Thus, a widening mechanism may be introduced to the user preference profile, thereby opposing the narrowing effect caused by a limited recommendation of content for preference evaluation.

As further indicated by the Office Crabtree fails to teach determining user preference values. The addition of Specter fails to cure the limitations of Crabtree. Neither, Crabtree or Specter teaches the use of a temporary user preference profile, but instead teach an update method to modify an original user profile.

It is respectfully submitted that in order to establish a *prima facie* case of obviousness, three basic criteria must be met;

1. there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or combine the reference teachings;
2. there must be a reasonable expectation of success; and
3. the prior art reference must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must be found in the prior art, and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991)

Application No. 10/533,753

Having shown that Crabtree or Specter fail to disclose each and every element claimed, Applicants submit that the reason for the Examiner's rejection of method claim 1 has been overcome and can no longer be sustained. Applicants respectfully submit that independent claim 17 and 24 are allowable for at least the same reasons as independent claim 1. Applicants respectfully request reconsideration, withdrawal of the rejection and allowance of claims 1, 17 and 24.

Claims 24-26 stand rejected under 35 USC 103(a) as being unpatentable over Crabtree et al. (US 2004/0039814 A1) in view of Hane (U.S. 2004/0083490 A1). Claims 18 stands rejected under 35 USC 103(a) as being unpatentable over Crabtree et al. in view of Specter and in further view of Huper-Graff et al. (U.S. 2004/0044677 A1) 1, 8-9, 11-15 and 17-26

With regard to the dependent claims 2, 9-8, 11-15, 18-23 and 25-26 these claims ultimately depend from one of the independent claims 1, 17 or 24, which have been shown to be allowable in view of the cited references. Accordingly, claims 2, 9-8, 11-15, 18-23 and 25-26 are also allowable by virtue of their dependence from an allowable base claim. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

Application No. 10/533,753

For all the foregoing reasons, it is respectfully submitted that all the present claims are patentable in view of the cited references. A Notice of Allowance is respectfully requested.

Respectfully submitted,

Dan Piotrowski
Registration No. 42,079



By: Thomas J. Onka
Attorney for Applicant
Registration No. 42,053

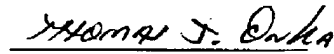
Date: November 12, 2008

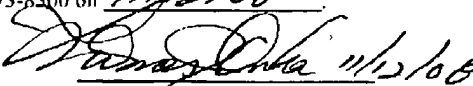
Mail all correspondence to:

Dan Piotrowski, Registration No. 42,079
US PHILIPS CORPORATION
P.O. Box 3001
Briarcliff Manor, NY 10510-8001
Phone: (914) 333-9624
Fax: (914) 332-0615

Certificate of Mailing/Transmission Under 37 CFR 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to MAIL STOP AMENDMENT, COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA. 22313-1450 or transmitted by facsimile to the U.S. Patent and Trademark Office, Fax No (571) 273-8300 on 11/12/08


(Name of Registered Rep.)

 11/12/08
(Signature and Date)